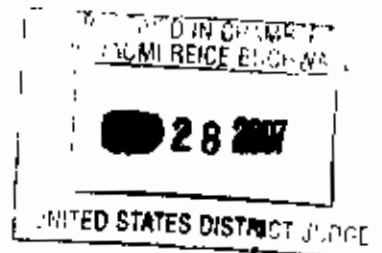


STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERALANDREW M. CUOMO  
ATTORNEY GENERALCRIMINAL DIVISION  
FEDERAL HABEAS CORPUS SECTION

September 28, 2007

VIA FACSIMILE

Honorable Naomi R. Buchwald  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 2270  
New York, NY 10007

Re: Herbert Cephas v. Robert Ercole,  
07 Civ. 6048 (NRB)


Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced habeas corpus proceeding. I respectfully request an extension of time to respond to the petition for a writ of habeas corpus from October 5, 2007 to December 7, 2007.

In Your Honor's Order dated August 14, 2007, you ordered that my office file its response by October 5, 2007. Although a copy of the record in this case has been made available, our office has not yet received the transcripts. I am respectfully requesting an extension of time so that I may obtain and review the transcripts and prepare a thorough response to the petition. Although I am requesting an extension to December 7, 2007, I will make every effort to file my response before that time. This is my first request for an extension.

I thank the Court for its consideration to this matter.

Respectfully submitted,

  
Priscilla Steward  
Assistant Attorney General  
Federal Habeas Corpus Section  
(212) 416-8737

cc: **Herbert Cephas**  
**03-A-5301**  
**Green Haven Correctional Facility**  
**P.O. Box 4000**  
**Stormville, New York 12582**